

MAP CORRECTION RELATING TO CAPE HENLOPEN UNIT OF
COASTAL BARRIER RESOURCES SYSTEM

JULY 13, 1999.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 535]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 535) to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 535 is to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

BACKGROUND AND NEED FOR LEGISLATION

The Coastal Barrier Resources System, administered by the Secretary of the Interior, was created in 1982 by the Coastal Barrier Resources Act (CBRA, Public Law 97-348, codified at 16 U.S.C. 3501 et seq.). CBRA was designed to eliminate federal development incentives on undeveloped coastal barriers, thereby preventing the loss of human life and property from storms, minimizing federal expenditures, and protecting habitat for fish and wildlife. The Coastal Barrier Resources System consists of coastal barrier units and “otherwise protected areas” delineated on maps adopted by Congress. The System was greatly expanded by the Coastal Barrier Improvement Act of 1990 (Public Law 101-591), which added the 274 “otherwise protected areas,” including DE-03P, to the System.

Otherwise protected areas are public or private lands that are held for conservation purposes, such as parks, wildlife refuges, and national seashores. Lands designated as otherwise protected areas are ineligible for federal flood insurance, as well as other federal development assistance. In several instances, the maps of otherwise protected areas prepared by the Secretary and adopted by Congress incorrectly depict the boundary of the underlying park, forest, refuge or reserve that formed the basis for the otherwise protected area designation. Congressional action is necessary to correct the boundaries because the Secretary does not have the authority to correct these errors administratively.

H.R. 535 directs the Secretary of the Interior to make corrections to a map of an otherwise protected area established under CBRA. The bill directs the Secretary to adjust the boundary of unit DE-03P to accurately depict the boundary of Cape Henlopen State Park in Delaware. The current boundary of DE-03P is not coterminous with the State park boundary. This change will exclude a 32-acre parcel of land owned by a private corporation outside the park boundary and add 245 acres of the park which was incorrectly excluded on the original 1990 maps. The 32-acre parcel was never held for conservation purposes, a requirement to be included within an otherwise protected area. These changes result in a net addition of 213 acres to the Coastal Barrier Resources System.

COMMITTEE ACTION

H.R. 535 was introduced on February 3, 1999, by Congressman Michael Castle (R-DE). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 6, 1999, the Subcommittee held a hearing on H.R. 535, where the Administration testified in support of the bill. On May 27, 1999, the Subcommittee met to mark up the bill. No amendments were offered and H.R. 535 was ordered favorably reported to the Full Committee by voice vote. On June 30, 1999, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides

that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill could affect direct spending by increasing payments to the National Flood Insurance Program (offset in part by mandatory spending for underwriting and administrative expenses), but any such effect would be "negligible."

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 1999.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 535, a bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 535—A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System

CBO estimates that enacting H.R. 535 would result in no significant cost to the federal government. Because the bill could affect direct spending, pay-as-you-go procedures would apply, but we expect that net changes in direct spending would be negligible. H.R. 535 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 535 would direct the Secretary of the Interior to correct the map of the Cape Henlopen Unit of the Coastal Barrier Resources

System. The proposed correction would revise the boundary of this unit to include an additional 245 acres of state park lands and exclude about 32 acres of developed property. This change would provide additional environmental protection for the state park and would enable local property owners occupying the excluded acreage to obtain federal flood insurance. Once insurance policies have been written on the affected property, offsetting collections from premiums paid into the national flood insurance fund would increase by less than \$500,000 per year. Collections would be partially offset by new mandatory spending for underwriting and administrative expenses. The federal government might also incur additional costs for losses associated with any future floods that might affect this land, but CBO has no basis for predicting such floods or their resulting costs.

On March 18, 1999, CBO transmitted a cost estimate for S. 574, and identical bill that was ordered reported by the Senate Committee on Environment and Public Works on March 17, 1999. The two cost estimates are identical.

The CBO staff contact is Megan Carroll. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

